

hampei Ferr. [S. coffeae Hgdn.]) and an injurious rust disease caused by the fungus *Hemileia vastatrix* B. and Br., and said Administrator hereby further determines, that, in order to prevent the introduction into Puerto Rico and Hawaii of said insect pest and coffee disease, which are new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into Puerto Rico and Hawaii of the products and plants specified above, except as permitted in the regulations supplemental hereto. Hereafter, the products and plants specified above shall not be imported or offered for entry into Puerto Rico and Hawaii from any foreign country or locality except as permitted by said regulations. However, whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find that existing conditions as to pest risk involved in the importation of one or more of the products to which this subpart applies, make it safe to modify, by making less stringent the restrictions contained in any such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

#### REGULATIONS

##### § 319.73-1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Deputy Administrator*. The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Inspector*. A properly identified employee of the U.S. Department of Agriculture or other person authorized by the Department to enforce the provisions of the Plant Quarantine Act and the Federal Plant Pest Act.

(c) *Plant Protection and Quarantine Programs*. The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

[35 FR 14497, Sept. 16, 1970, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972]

##### § 319.73-2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico or Hawaii, except as provided in § 319.73-3.

[35 FR 14497, Sept. 16, 1970]

##### § 319.73-3 Conditions for transit movement of certain products through Puerto Rico or Hawaii.

(a) Transit shipments from any foreign country through Puerto Rico or Hawaii of samples of unroasted coffee seeds and beans in closed mail dispatches, destined to foreign countries or to destinations elsewhere in the United States in compliance with this subpart, will be allowed to proceed without action by the inspector. Other samples of unroasted coffee seeds or beans received by mail in the post offices in Puerto Rico or Hawaii shall be subject to inspection and safeguard action by the inspector, who shall require their immediate return to origin or immediate forwarding to a destination elsewhere in the United States in compliance with this subpart. Such return or onward movement shall be made in closed mail dispatches. If such immediate action is not possible the samples shall be destroyed.

(b) Samples of unroasted coffee seeds or beans coming to Puerto Rico or Hawaii as cargo and not unloaded in Puerto Rico or Hawaii will be allowed to proceed to a foreign destination or to a

destination elsewhere in the United States in compliance with paragraph (a) of this section. If the samples are to be unloaded and transshipped in Puerto Rico or Hawaii, it shall be done immediately after the inspector ascertains that the samples are properly wrapped or packaged to prevent the escape of any plant pests that may be present during transit and, before transshipment the carrier shall rewrap or package the samples in such manner as the inspector may require if he deems such action is necessary to prevent the escape of any plant pests that may be present.

(c) Other mail, cargo, and baggage shipments of products covered by §319.73-2, arriving in Puerto Rico or Hawaii shall not be unloaded or transshipped in Puerto Rico or Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (part 352 of this chapter).

[35 FR 14497, Sept. 16, 1970]

#### §319.73-4 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

[35 FR 14498, Sept. 16, 1970]

### Subpart—Cut Flowers

#### QUARANTINE

#### §319.74 Notice of quarantine.

(a) The Secretary of Agriculture, having given the public hearing required by law and having determined the pest risk involved, forbids the importation of cut flowers into the United States from foreign countries, including those in Europe, Asia, Africa, Australia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), ex-

cept as provided in the regulations supplemental to this subpart.

(b) This subpart shall not be construed to modify provisions applicable to cut flowers included in special quarantine or other restrictive orders now in force or hereafter promulgated.

(c) As used in this section, the term *United States* means the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

#### RULES AND REGULATIONS

#### §319.74-1 Definitions.

For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cut flower*. The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state. This definition shall not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; nor to Christmas greenery, such as holly, mistletoe, and Christmas trees.

(b) *Inspector*. An employee of the U.S. Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(c) *Permit*. A form of authorization to allow the importation of cut flowers in accordance with the regulations in this subpart. In the case of cut flowers imported in small quantities, this may be an oral authorization by the inspector at the port of entry.

#### §319.74-2 Regulated articles.

(a) All cut flowers imported into the United States from the foreign countries and islands designated in the quarantine are subject to the regulations in this subpart.

(b) Such types of cut flowers as may be determined by the Deputy Administrator of the Plant Protection and Quarantine Programs and designated by him in administrative instructions as involving special risk of introducing